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Applicant: Karl E. Giersckey et al.

Title: ESTERS OF 5-AMINOLEVULINIC ACID AS PHOTSENSITIZING AGENTS IN  
PHOTOCHEMOTHERAPY

Docket No.: 697.002US1

Filed: September 10, 1997

Serial No.: 08/913,257

Examiner: Unknown

Group Art Unit: Unknown

Due Date: December 6, 1997

BOX PCT

Assistant Commissioner for Patents

Washington, D.C. 20231

We are transmitting herewith the following attached items (as indicated by an "X"):

- ☒ A return postcard.
- ☒ A signed Combined Declaration and Power of Attorney ( 4 pgs.).
- ☐ A Petition for Extension of Time ( 1 pg.)
- ☐ A check in the amount of \$ 00 to pay the Extension of Time Fee.
- ☒ Response to Notification of Missing Requirements Under 35 USC 371 (1 pg.); Copy of Form PCT/DO/EO/905.
- ☒ An Assignment of the invention to PhotoCure AS ( 3 pgs.) and Recordation Form Cover Sheet (1 pg.).
- ☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27.
- ☒ A check in the amount of \$40.00 to cover the Assignment Recording Fee.
- ☐ Other:     .

If not provided for in a separate paper filed herewith, please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: 

Name: Ann S. Viksnins

Reg. No. 37,748

ASV:CMG:cmw

CERTIFICATE UNDER 37 CFR 1.10:"Express Mail" mailing label number: EM609376841USDate of Deposit: December 5, 1997

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Matthew Hollister

Name

  
Signature

(GENERAL)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Karl E. Giersckky et al. Examiner: Unknown  
Serial No.: 08/913,257 Group Art Unit: Unknown  
Filed: September 10, 1997 Docket: 697.002US1  
Title: ESTERS OF 5-AMINOLEVULINIC ACID AS PHOTSENSITIZING  
AGENTS IN PHOTOCHEMOTHERAPY

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**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 USC § 371**

BOX PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

In response to the "Notification of Missing Requirements" (see enclosed copy), an executed Declaration by the named inventor is enclosed. The surcharge for providing the Declaration later than the appropriate 20 or 30 months from the priority date was previously paid.

Applicants believe the application is now in proper order and in condition for examination. Please direct any inquiries to the undersigned attorney at (612) 373-6961.

Respectfully submitted,

KARL E. GIERCKKY ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6961

Date 5 Dec 1997

By 

Ann S. Viksnins  
Reg. No. 37,748  
ASV:CMG:cmw

**CERTIFICATE UNDER 37 CFR 1.10:**

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Matthew Hollister  
Name

  
Signature



## UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

05 DEC 1997

8/913,257

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

08/913,257

GIERSCKY

K

697.002US1

INTERNATIONAL APPLICATION NO.

PCT/GB96/00553

I.A. FILING DATE

PRIORITY DATE

03/08/96

03/10/95

DATE MAILED:

11/06/97

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☒ Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.☒ Copy of the international application in:

- ☐ a non-English language.  
☒ English.

☐ Translation of the international application into English.☐ Oath or Declaration of inventors(s) for DO/EO/US.☐ Copy of Article 19 amendments.☐ Translation of Article 19 amendments into English.☒ The International Preliminary Examination Report in English and its Annexes, if any.☐ Translation of Annexes to the International Preliminary Examination Report into English.☒ Preliminary amendment(s) filed 10 SEP 1997 and Nov 2 1997☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_☐ Assignment document.☐ Power of Attorney and/or Change of Address.☐ Substitute specification filed \_\_\_\_\_☐ Verified Statement Claiming Small Entity Status.☒ Priority Document.☒ Copy of the International Search Report ☒ and copies of the references cited therein.☐ Other:

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). Feb

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917☐ Notice of Defective Translation☐ PTO-875

FORM PCT/DO/EO/905 (September 1996)

Michelle Reed Mosley  
Paralegal Specialist

Telephone: (703) 305 3735